



Order Filed on June 26, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Counsel to the Ad Hoc Bondholder Group

In re:

BED BATH & BEYOND INC., et al.,

Debtors.¹

Chapter: 11
Case No.: 23-13359 (VFP)

Judge: Hon. Vincent F. Papalia
U.S. Bankruptcy Judge

**REVISED ORDER SHORTENING TIME PERIOD FOR NOTICE,
SETTING HEARING AND LIMITING NOTICE**

The relief set forth on the following pages is hereby **ORDERED**.

DATED: June 26, 2023

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

¹ The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these chapter 11 cases and each such Debtor's tax identification number may be obtained on the website of the Debtors' claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these chapter 11 cases is 650 Liberty Avenue, Union, New Jersey 07083.

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After review of the application of the Ad Hoc Bondholder Group,² by and through the its counsel, for a reduction of time for a hearing on the following motions:

- (i) A motion (couched as a “Motion for Reconsideration”) pursuant to 11 U.S.C. § 105(a), Fed. R. Civ. P. 60(b), and Fed. R. Bankr. P. 4001(c) and 9024, for entry of an order (A) reconsidering and vacating (1) the *Interim Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief* [Dkt. No. 76] (the “Interim DIP Order”) and (2) the *Final Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Liens and Superpriority Administrative Expense Claims, (III) Granting Adequate Protection, (IV) Modifying the Automatic Stay, (V) Scheduling a Final Hearing, and (VI) Granting Related Relief* [Dkt. No. 729] (the “Final DIP Order” and, together with the Interim DIP Order, collectively, the “DIP Orders”), and (B) granting the Ad Hoc Bondholder Group such other and further relief as the Court believes is just and proper [Dkt. 982], and

² The Ad Hoc Bondholder Group consists of an ad hoc group of certain holders of the 3.479% Senior Notes due 2024 (the “2024 3.749% Notes”), the 4.915% Senior Notes due 2034 (the “2034 4.915% Notes”) and the 5.165% Senior Notes due 2044 (the “2044 5.165% Notes” and, together with the 2024 3.749% Notes and the 2034 4.915% Notes, the “Senior Unsecured Notes”), each issued by Bed Bath & Beyond, Inc. on July 17, 2014 (collectively, the “Ad Hoc Bondholder Group”).

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(ii) A motion (the “Motion to Seal”), pursuant to 11 U.S.C. § 107(b), Fed. R. Bankr. P. 9018 and D.N.J. LBR 9018-1, for entry of an order (A) for authority to file under seal the Motion for Consideration and the declaration of Andrew K. Glenn (the “Glenn Declaration”) in support thereof³ submitted in support of the Ad Hoc Bondholder Group’s Motion for Reconsideration, and (B) granting the Ad Hoc Bondholder Group such other and further relief as the Court deems necessary, appropriate and consistent with the goals of the Motion to Seal [Dkt. 983], (the Motion for Reconsideration and the Motion to Seal being referred to herein as, collectively, the “Motions”), under Fed. R. Bankr. P. 9006(c)(1), it is hereby

ORDERED as follows:

1. A hearing will be conducted on the Motions (as modified and limited hereby) and shall be held **on June 27, 2023, at 2:30 p.m.** in the United States Bankruptcy Judge for the United States Bankruptcy Court for the District of New Jersey, Newark Vicinage, at the Martin Luther King, Jr. Federal Building, 50 Walnut Street, 3rd Floor, Newark, New Jersey 07102, before the Honorable Vincent F. Papalia, United States Bankruptcy Judge, in Courtroom 3B; provided, however, that (i) the request to shorten time as to the Motion for Reconsideration is **DENIED** as the Court did not rule or suggest that a motion for reconsideration and/or vacation of the DIP Orders

³ Unredacted versions of the Motion for Reconsideration and the Glenn Declaration were filed immediately after the filing of the Motion to Seal in accordance with this Court’s procedures for electronically requesting that a document be sealed (*see* [Process to Electronically Request that a Document be Sealed | United States Bankruptcy Court - District of New Jersey \(uscourts.gov\)](https://www.uscourts.gov/process-to-electronically-request-that-a-document-be-sealed)).

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could be heard on such short notice; instead, as the Application reflects, the shortened notice period was limited to the Ad Hoc Bondholders' Group's request for a limited extension of the Challenge Period; and (ii) the request is **GRANTED** as it relates to (a) the Ad Hoc Bondholders' Group's request for a limited extension of the Challenge Period; and (b) the Motion to Seal.

2. The Applicant must serve a copy of this Order, and all related documents, on the following parties: Debtors' Counsel; Unsecured Creditors' Committee Counsel; Office of the U.S. Trustee; Counsel for each secured creditor; and all parties that filed a Notice of Appearance.

by ☐ each, ☒ any of the following methods selected by the Court:

☐ fax, ☐ overnight mail, ☐ regular mail, ☒ email, ☐ hand delivery.

3. The Applicant must also serve a copy of this Order, and all related documents, on the following parties:

by ☐ each, ☐ any of the following methods selected by the Court:

☐ fax, ☐ overnight mail, ☐ regular mail, ☐ email, ☐ hand delivery.

4. Service must be made:

☒ on the same day as the date of this order, or

☐ within _____ day(s) of the date of this Order.

5. Notice by telephone:

☐ is not required

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☒ must be provided to the parties noticed above

☒ on the same day as the date of this Order, or

☐ within _____ day(s) of the date of this Order.

6. A Certification of Service must be filed prior to the hearing date.

7. Any objections to said motion/application identified above:

☐ must be filed with the Court and served on all parties in interest by electronic or overnight mail _____ day(s) prior to the scheduled hearing; or

☒ may be presented orally at the hearing or may be submitted in writing prior to the hearing.

8. ☒ Court appearances are required to prosecute said motion/application and any objections. Parties may request to appear via Zoom by following the protocols for this case on the Court's public website.